

UPDATE ON THE CONDUCT OF PROCEEDINGS IN THE UPPER TRIBUNAL, LANDS CHAMBER DURING THE COVID-19 PANDEMIC

28 September 2020

1. Guidance on the conduct of proceedings in the Upper Tribunal, Lands Chamber during the Covid-19 pandemic has been issued by the Chamber President from time to time since 24 March 2020. The current guidance was issued on 26 June 2020 and remains in full force. It is available at <https://www.judiciary.uk/wp-content/uploads/2020/06/Presidential-guidance-on-the-conduct-of-proceedings-in-the-Upper-Tribunal-Lands-Chamber-during-the-COVID-19-pa.pdf>
2. Since 1 August 2020 most substantive hearings in the Tribunal have been conducted as face-to-face hearings, usually at the Royal Courts of Justice but also at venues around the country. In close cooperation with the judiciary, HMCTS staff at the Royal Courts of Justice and elsewhere have put in place “Covid-secure” ways of working together with a range of mitigating measures including additional cleaning, social distancing, one-way systems, new layouts for court and hearing rooms, and use of face coverings. These have proved effective during local lockdowns in Leicester and elsewhere.
3. In cases where a site inspection, including of the interior of buildings, has been thought necessary these have been conducted by the Tribunal in accordance with the relevant government guidance on working safely in other people’s homes during the pandemic.
4. Contingency arrangements applicable to all Upper Tribunal Chambers described in the Pilot Practice Directions issued by the Senior President of Tribunals on 19 March 2020 have been reiterated and supplemented with effect from 14 September 2020 by an Amended General Pilot Practice Direction: Contingency Arrangements in the First-tier Tribunal and the Upper Tribunal published by the Senior President. These arrangements will remain in force until 18 March 2021.
5. The Amended General Practice Direction refers to the conduct of ‘hybrid’ hearings (i.e. a hearing where there are participants attending the hearing in a physical courtroom and participants attending the same hearing remotely). The places from which participants attend the hearing are, for the duration of the hearing, deemed to be an extension of the courtroom.
6. The presumption that substantive matters will be determined at face-to-face hearings will continue to apply. If, for good reason, a participant in a hearing is unable to attend in person, an application should be made to the Tribunal in good time for consideration whether directions for a hybrid or fully remote hearing are appropriate. The application should be copied to all other parties, but in every case the Judge or Member due to hear the case will determine the form of the hearing.